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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**JURY TRIAL
DEMANDED**

MARIA MANOSALVES and
CARLOS MANOSALVES,

07 Civ. 3846

Plaintiffs,

**AMENDED
COMPLAINT**

-against-

FUJITSU TRANSACTION SOLUTIONS, INC.

Defendant.

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Plaintiffs, by their attorneys, Baker, Leshko, Saline & Blosser, LLP, complaining
of the above-mentioned defendant, for their complaint, allege as follows:

Parties

1. Plaintiff Maria Manosalves was and is at all relevant times herein a citizen and
resident of the State of New York.
2. Plaintiff Carlos Manosalves was and is at all relevant times herein a citizen and
resident of the State of New York.
3. Maria and Carlos are husband and wife.

4. Defendant Fujitsu Transaction Solutions, Inc. (hereinafter referred to as "Fujitsu" or "Defendant") is a corporation or other form of business entity organized pursuant to and existing pursuant to a jurisdiction other than the State of New York.
5. Upon information and belief, the principal place of business of Fujitsu is located in a state other than the State of New York.
6. Upon information and belief, Fujitsu is in the business, among other things, of providing cash registers, including the installation and maintenance of the same to retail entities.

Jurisdiction

7. The amount of controversy in this matter exceeds the amount of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interests and costs.
8. This Court has jurisdiction over this matter due to diversity of citizenship, 28 U.S.C. Section 1441.
9. Venue of this matter is proper in the Southern District of New York pursuant to 28 U.S.C. Section 1391(a).

Background

10. On or about March 5, 2005 Maria was working at the Marshalls store located on Central Park Avenue in Greenburgh, New York.
11. Specifically, Maria was working as a check out cashier at the Marshalls store.

12. On or about March 5, 2005 Maria was caused to trip and fall due to the improper placement, installation and/or maintenance of certain wires and/or cables connected to certain cash registers.
13. Upon information and belief, the cash registers were cash registers either manufactured and/or sold to Marshalls by Fujitsu and/or its duly appointed agents, servants and/or employees.
14. Upon information and belief, Fujitsu was responsible for the installation and maintenance of the subject cash registers and or the wiring and cabling attached thereto or used in connection therewith.
15. Due to the fall which occurred, Maria suffered great and permanent injuries, including, but not limited to, a left shoulder rotator cuff tear, impingement of the left shoulder, multiple cracked ribs and deformity to her arm.

AS AND FOR A FIRST CLAIM FOR RELIEF

(Common Law Negligence)

16. Defendant owed Plaintiffs a duty to install, maintain and repair the cash registers and all necessary appurtenances thereto in a safe condition which did not create any hazards and/or traps.
17. Defendant breached such duty to maintain the same in a safe condition which did not create any hazards and/or traps.
18. Due to such breach of a duty, Plaintiff Maria was injured.
19. Plaintiff Maria has been damaged.

AS AND FOR A SECOND CLAIM FOR RELIEF

(Loss of Consortium)

20. Plaintiffs repeat and reallege the statements and allegations contained herein as if more fully set forth herein.

21. Plaintiff Carlos has been damaged due to the loss of consortium that he has suffered due to the condition of his wife.

22. Defendant is liable to Carlos.

WHEREFORE, Plaintiffs demand judgment against defendant as follows:

1. On the first cause of action, an amount to be determined herein, but in an amount in excess of the jurisdiction of all inferior Courts;
2. On the second cause of action, an amount to be determined herein, but in an amount in excess of the jurisdiction of all inferior Courts;
3. Costs and disbursements of this action;
4. For such other, further and different relief this Court deems just.

Dated: White Plains, New York
May 29, 2007

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